

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

11.580 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND VIOLA

GARZA, *et al.*,

Defendants.

§

§

§

§

§

§

§

§

§

§

CIVIL NO.: 7:20-CV-165

STATUS REPORT

On July 20, 2021, the Court ordered the parties to file a status report by August 30, 2021¹, pursuant to that Order the United States of America respectfully updates the Court as follows:

1. This case sought to acquire a fee simple interest in 11.580 acres of land identified as Tract RGV-RGC-9047.² While title to Tract RGV-RGC-9047 has vested in the United States by operation of law³, the United States has not yet obtained possession of the property.⁴

2. A contract suspension remains in place for the contract relating to Tract RGV-RGC-9047, meaning there has been no additional work on this Tract since July 9, 2021, after there had “been some clearing of brush and work related to access roads on or near the parent tract.”⁵

¹ Dkt. No. 32.

² Dkt. No. 2.

³ 40 U.S.C. § 3114(b).

⁴ Dkt. No. 14.

⁵ Dkt. No. 27 at ¶ 6.

3. As of this filing, the *Application for Probate of Will and Issuance of Letters Testamentary in the Estate of Rolando J. Vallejo*, remains pending and contested in the Probate Court of Hidalgo County, Texas.⁶

4. The United States served all three devisees identified in the will of Rolando J. Vallejo, deceased: Sandra Vallejo-Ethridge⁷, Melissa Vallejo⁸, and Luis Vallejo⁹.

5. The United States served the Estate of Rolando J. Vallejo through publication according to Fed. R. Civ. P. 71.1(d)(3)(B).¹⁰

6. Previously, the United States, through undersigned counsel, extended an offer of settlement to Defendants Sandra Vallejo-Ethridge, Melissa Vallejo, and Luis Vallejo, for their individual interest in the twenty-five percent (25%) interest held by the Estate of Rolando J. Vallejo.¹¹

7. On August 30, 2021, undersigned counsel was informed that Tract RGV-RGC-9047 was being recommended by U.S. Customs and Border Protection for revestment (i.e., a return of title), subject to approval by senior DHS leadership before the revestment process can be initiated.

8. While the parties await approval for the revestment process to begin, the United States will seek a title determination from the Court regarding the twenty-five percent (25%) interest currently held by the Estate of Rolando J. Vallejo. A title determination is necessary to address the distribution of the twenty-five percent (25%) interest. The United States anticipates being able to file an *amicus* title brief within 30 days of the status hearing on September 9, 2021. Upon the Court's determination of ownership for the twenty-five percent (25%) interest, the parties will move forward with either a settlement or revestment.

⁶ Cause No. P-40,079, Probate Court of Hidalgo County.

⁷ Dkt. No. 37.

⁸ Dkt. No. 38.

⁹ Dkt. No. 39.

¹⁰ Dkt. No. 42.

¹¹ This offer of settlement was made as an alternative to a return of title and was consistent with the just compensation amount agreed to by the United States and the remaining landowners (all represented by counsel).

Respectfully submitted,

JENNIFER B. LOWERY

Acting United States Attorney
Southern District of Texas

By: s/ Megan Eyes

MEGAN EYES

Assistant United States Attorney
Attorney-in-Charge for Plaintiff

S.D. Tex. ID. No. 3135118

Florida Bar No. 0105888

UNITED STATES ATTORNEY'S OFFICE

SOUTHERN DISTRICT OF TEXAS

1701 W. Bus. Hwy. 83, Suite 600

McAllen, Texas 78501

Telephone: (956) 618-8010

Facsimile: (956) 618-8016

Email: Megan.Eyes@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on August 30, 2021, a copy of the foregoing was electronically filed in the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record and was provided to all *pro se* parties by electronic mail.

By: s/ Megan Eyes

MEGAN EYES

Assistant United States Attorney